

By Kathmann

S.B. No. 749

A BILL TO BE ENTITLED  
AN ACT

relating to extraterritorial jurisdiction and annexation powers of cities; amending Section 7, Article I, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 7, Article I, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), is amended by adding a new Subsection B-1 to read as follows:

"B-1. (a) It is against the public policy of this State and the policy and purposes of this Act for a city to annex any narrow strip of territory for the sole purpose of expanding the extraterritorial jurisdiction of the city to developed or developing areas otherwise beyond its extraterritorial jurisdiction. As used herein the term 'narrow strip of territory' shall mean any strip of land, publicly or privately owned, which is less than three hundred (300) feet in width at its greatest width and extends to or beyond one-half the extent of the city's extraterritorial jurisdictional limits as established by Section 3, Article I of the Municipal Annexation Act, ~~compiled as~~ (Section 3, ~~of~~ Article 970a, Vernon's Texas Civil Statutes).

"(b) All annexation proceedings initiated for the purpose of including the site of a State institution or facility within a city are hereby and in all respects validated as of the date of such proceedings." |

S. B. No.

Sec. 2. The validating provisions of this Act shall not apply to any city or town now involved in litigation questioning the legality of the boundaries of such city or town.

Sec. 3. The importance of this legislation and the crowded conditions of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

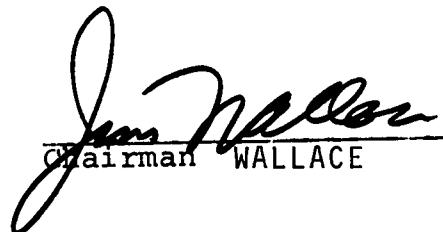
Austin, Texas

April 16, 19 73

Honorable William P. Hobby  
President of the Senate

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS,  
to which was referred S B. No. 749, have had the same  
under consideration, and I am instructed to report it back to  
the Senate with the recommendation that it do \_\_\_\_\_  
pass \_\_\_\_\_ and be \_\_\_\_\_ printed.

  
Chairman WALLACE

CAS

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April 19 1973 Engrossed

Engrossing Clerk

By: Kothmann

S.B. No. 749

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AN ACT

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"(b) All annexation proceedings initiated for the purpose of including the site of a State institution or facility within a city are hereby and in all respects validated as of the date of such proceedings."

1        Sec. 2. The validating provisions of this Act shall not  
2 apply to any city or town now involved in litigation questioning  
3 the legality of the boundaries of such city or town.

4        Sec. 3. The importance of this legislation and the crowded  
5 condition of the calendars in both houses create an emergency and  
6 an imperative public necessity that the constitutional rule  
7 requiring bills to be read on three several days in each house  
8 be suspended, and this rule is hereby suspended, and that this  
9 Act take effect and be in force from and after its passage, and  
10 it is so enacted.

FORM B

COMMITTEE REPORT

Date May 8, 1973,

HONORABLE PRICE DANIEL, JR.

Speaker of the House of Representatives.

Sir:

We, your Committee on Intergovernmental Affairs, to whom was referred S.B. No. 749, have had the same under consideration and beg to report back with recommendation that it do pass, as amended.

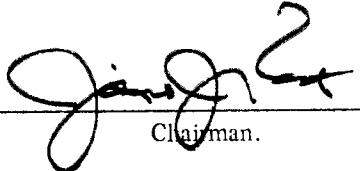
The Committee recommends that this measure be considered for the Local and Consent Calendar.

Yes

House sponsor of Senate measure: Clayton

The measure was reported from Committee by the following record vote:

<u>12</u>	ayes
<u>0</u>	nays
<u>0</u>	present, not voting
<u>11</u>	absent

  
Chairman.

~~This measure proposes new law.~~

Committee on Intergovernmental Affairs

BILL ANALYSIS

Background Information:

It is felt that cities should be prohibited from annexing narrow strips of territory for the purpose of expanding the extraterritorial jurisdiction of a city to developed areas otherwise beyond its jurisdiction.

What the Bill Proposes to Do:

Prohibit cities from annexing any narrow strip of territory for the sole purpose of expanding the extraterritorial jurisdiction of the city to developed or developing areas otherwise beyond its jurisdiction.

Section by Section Analysis:

Section 1. Amends Section 7, Article 970a, V.T.C.S. by adding a new Subsection B-1 to:

(a) Provide that it is against public policy for cities to annex any narrow strip of territory for the sole purpose of expanding the extraterritorial jurisdiction of the city to developed or developing areas otherwise beyond its jurisdiction. Defines "narrow strip of territory".

(b) Validates all annexation proceedings specifically designed for including the site of a state institution within a city.

Section 2. Provides that the validating provisions of this Act do not apply to any city or town now involved in legal questioning of that town's or cities' boundaries.

Section 3. Emergency Clause.

Summary of Committee Action:

PP Public Hearing Notice on S.B. No. 749 was poted in accordance with Rule VIII, Sec. 13 After a public hearing on May 7, the committee voted by a roll call vote of 12 ayes, 0 nays, 0 present not voting, 11 absent to report the committee substitute to S.B. No. 749 back to the House favorably with the recommendation that it do pass and be considered for the Local and Consent Calendar.

HOUSE COMMITTEE  
AMENDMENTS TO S.B. 749

2077

MAY 12 1973

READ AND ADOPTED

AMENDMENT NO. 1

Chief Clerk  
House of Representatives

Section 1 of S. B. 749 is hereby amended to read as follows:

"Section 1. Section 7, Article 1, Municipal Annexation Act (Article 970a, Vernon's Texas Statutes) is amended by adding a new Subsection B-1 to read as follows:

"B-1. (a) No home rule or general law city may annex any area, whether publicly or privately owned, unless the width of such area at its narrowest point is at least <sup>500</sup> ~~600~~ feet. ~~The following~~

~~"Section 1. Section 7, Article 1, Municipal Annexation Act (Article 970a, Vernon's Texas Statutes) is amended by adding a new Subsection B-1 to read as follows:~~  
~~"B-1. (a) No home rule or general law city may annex any area, whether publicly or privately owned, unless the width of such area at its narrowest point is at least 600 feet. The following~~  
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~~"Section 1. Section 7, Article 1, Municipal Annexation Act (Article 970a, Vernon's Texas Statutes) is amended by adding a new Subsection B-1 to read as follows:~~  
~~"B-1. (a) No home rule or general law city may annex any area, whether publicly or privately owned, unless the width of such area at its narrowest point is at least 600 feet. The following~~

" (b) Land on an island bordering on the Gulf of Mexico which is not accessible by public road or common carrier ferry facility may not be annexed by a city, town or village, including a home rule city, without the consent of the owner or owners of such land and ~~the Municipal Annexation Act~~ notwithstanding the provisions of Article 970(a), the extraterritorial jurisdiction of a city, town or village, including a home rule city, shall not extend to or cover any such land on any such island without the consent of the owner or owners thereof. A city, town or village, including a home rule city, is also prohibited from taking property on any such island by exercising its power of condemnation or eminent domain."

" (c) All annexation proceedings initiated for the purpose of including the site of a <sup>state</sup> institution or facility within a city are hereby and in all respects validated as of the date of such proceedings."



COMMITTEE AMENDMENT NO.

2

BY

Chapman

Amend Senate Bill No. 749 by adding thereto a new Section 3 in lieu of the present Section 3 and renumbering the present Section 3 to Section 5, said new Section 3 to be added immediately following Section 2 of Senate Bill No. 749, said new Section 3 to read as follows:

~~Section~~ Section 3. All laws or parts of laws in conflict with any of the provisions of this Act are repealed to the extent of such conflict.

DATE MAY 12 1973

READ AND ADOPTED

William P. Hallman  
House of Representatives

Insert 2

COMMITTEE AMENDMENT NO.

3

BY

*Lang* ✓

HK-44

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Amend the Caption of Senate Bill No. 749 by striking all above the enacting clause and substituting in lieu thereof the following:

*validating annexation proceedings initiated for the purpose of including the site of a state institution or facility; excepting any city or town presently involved in litigation concerning its boundaries;*

A BILL TO BE ENTITLED

AN ACT

relating to extraterritorial jurisdiction, eminent domain, annexation powers of cities; ~~prohibiting "spoke" or "strip" annexations,~~ amending Section 7, ~~Article E,~~ Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes); repealing laws in conflict; and declaring an emergency.

DATE

MAY 12 1973

READ AND ADOPTED

*Dorothy Hallman*  
Chief Clerk  
House of Representatives

Enrolled Dec 14 1973  
[Signature]  
Enrolling Clerk

S.B. No. 749

AN ACT

relating to extraterritorial jurisdiction, eminent domain, annexation powers of cities; validating annexation proceedings initiated for the purpose of including the site of a state institution or facility; excepting any city or town presently involved in litigation concerning its boundaries; amending Section 7, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes); repealing laws in conflict; and declaring an emergency.

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"(b) Land on an island bordering on the Gulf of Mexico which is not accessible by public road or common carrier ferry facility may not be annexed by a city, town or village, including a home rule city, without the consent of the owner or owners of such land and notwithstanding the provisions of the Municipal Annexation Act (Article 970(a), Vernon's Texas Civil Statutes), the extraterritorial jurisdiction of a city, town or village, including a home rule city, shall not extend to or cover any such land on any such island without the consent of the owner or owners thereof. A city, town or village, including a home rule city,

1 is also prohibited from taking property on any such island by  
2 exercising its power of condemnation or eminent domain.

3 "(c) All annexation proceedings initiated for the purpose  
4 of including the site of a state institution or facility within  
5 a city are hereby and in all respects validated as of the date  
6 of such proceedings."

7 Sec. 2. The validating provisions of this Act shall not  
8 apply to any city or town now involved in litigation questioning  
9 the legality of the boundaries of such city or town.

10 Sec. 3. All laws or parts of laws in conflict with any of  
11 the provisions of this Act are repealed to the extent of such  
12 conflict.

13 Sec. 4. The importance of this legislation and the crowded  
14 condition of the calendars in both houses create an emergency and  
15 an imperative public necessity that the constitutional rule  
16 requiring bills to be read on three several days in each house  
17 be suspended, and this rule is hereby suspended, and that this  
18 Act take effect and be in force from and after its passage, and  
19 it is so enacted.

EE T-2  
pg

S.B. No. 749

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 749 passed the senate on April 19, 1973, by the following vote: Yeas 30, Nays 0; May 14, 1973, senate concurred in house amendments by a viva-voce vote.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 749 passed the house, with amendments, on May 12, 1973, by the following vote: Yeas 127, Nays 0, three present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

A BILL TO BE ENTITLED  
AN ACT

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3-9-73 Filed with the Secretary of the Senate

MAR 12 1973 Read, referred to Committee on INTERGOVERNMENTAL RELATIONS

APR 17 1973 Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by  
unanimous consent.  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

APR 19 1973 Read second time and { ordered engrossed.  
~~passed in final reading.~~

Caption ordered amended to conform to body of bill.

APR 19 1973 Senate and Constitutional 3-Day Rules suspended by vote of  
39 yeas, 0 nays to place bill on third reading and final passage.

APR 19 1973 Read third time and passed by { a viva-voce vote.  
30 yeas, 0 nays.

OTHER ACTION:

Charles Schnabel  
Secretary of the Senate

April 19 1973 Engrossed  
APR 24 1973 Sent to HOUSE

Dr. H. Rev  
ENGROSSING CLERK

APR 24 1973

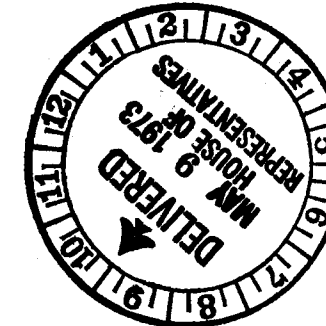
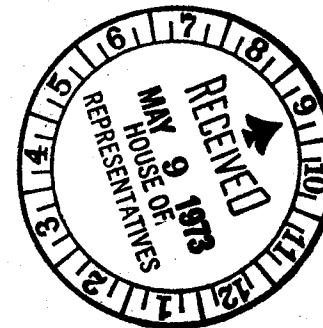
Received from  
the Senate

Jeremy Hallman  
Chief Clerk, House of Representatives

APR 25 1973 READ FIRST TIME  
AND REFERRED TO COMMITTEE ON

Intergovernmental Affairs  
Jeremy Hallman  
Chief Clerk, House of Representatives

MAY 8 1973 REPORTED FAVORABLY SENT TO PRINTER AS AMENDED



Inside

PRINTED, DISTRIBUTED AND  
REFERRED TO COMMITTEE ON  
CALENDARS 9:30 A.M. MAY 9 1973  
(Time) (Date)

SB 749

MAY 12 1973

Read Second Time, *Amended*  
and passed to third reading by <sup>non</sup> record vote  
of \_\_\_\_\_ ayes, \_\_\_\_\_ noes.

*Dorothy Hallman*

Chief Clerk, House of Representatives

MAY 12 1973

Read third time  
and Passed  
by following vote yeas 127

Nays 0 - 13 present  
*Dorothy Hallman*

Chief Clerk  
HOUSE OF REPRESENTATIVES

MAY 12 1973

RETURNED TO SENATE

Unanimous consent granted to amend  
caption of ~~House~~ Bill No. SB 749 to  
conform to body of bill.

*Dorothy Hallman*

Chief Clerk, House of Representatives

MAY 14 1973

RETURNED FROM HOUSE as  
*amended*

MAY 14 1973

Senate concurred in House amend-  
ments by viva voce vote.